

RIGHTS IN TOGOLAND

*Treaty signed at Paris February 13, 1923, with appendix
Senate advice and consent to ratification March 3, 1924
Ratified by the President of the United States March 14, 1924
Ratified by France April 24, 1924
Ratifications exchanged at Paris June 3, 1924
Entered into force June 3, 1924
Proclaimed by the President of the United States July 3, 1924
Obsolete ¹*

43 Stat. 1790; Treaty Series 691

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND FRANCE RELATING TO THE PART OF TOGOLAND UNDER FRENCH MANDATE

The President of the United States of America and the President of the French Republic,

Whereas by Article 119 of the Treaty of Peace signed at Versailles the 28th of June, 1919,² Germany renounced in favor of the Principal Allied and Associated Powers all her rights and titles over her oversea possessions; and

Whereas by Article 22 ³ of the same instrument it was provided that certain territories, which as a result of the war had ceased to be under the sovereignty of the States which formerly governed them, should be placed under the mandate of another Power, and that the terms of the mandate should be explicitly defined in each case by the Council of the League of Nations; and

Whereas the benefits accruing under the aforesaid Article 119 of the Treaty of Versailles were confirmed to the United States by the Treaty between the United States and Germany, signed August 25, 1921,⁴ to restore friendly relations between the two nations; and

¹ On Dec. 13, 1946, the U.N. General Assembly approved a trusteeship agreement placing French-administered Togoland under United Nations trusteeship. That trusteeship was terminated Apr. 27, 1960, when the French-administered Trust Territory of Togo attained independence.

² *Ante*, vol. 2, p. 107.

³ *Ante*, vol. 2, p. 55.

⁴ TS 658, *post*, vol. 8, GERMANY.

Whereas four of the Principal Allied and Associated Powers, to wit: the British Empire, France, Italy and Japan, agreed that France should exercise the mandate for part of the former German Colony of Togoland; and

Whereas the terms of the said mandate have been defined by the Council of the League of Nations as follows:

ARTICLE 1. The territory over which a mandate is conferred upon France comprises that part of Togoland which lies to the east of the line laid down in the Declaration signed on July 10, 1919, of which a copy is annexed hereto.

This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interest of the inhabitants or by reason of any inaccuracies in the map, Sprigade 1:200,000, annexed to the Declaration, to adhere strictly to the line laid down therein.

The delimitation on the spot of this line shall be carried out in accordance with the provisions of the said Declaration.

The final report of the Mixed Commission shall give the exact description of the boundary line as traced on the spot; maps signed by the Commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: one of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic and one by His Britannic Majesty's Government.

ARTICLE 2. The Mandatory shall be responsible for the peace, order and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3. The Mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defence of the territory.

It is understood, however, that the troops thus raised may, in the event of general war, be utilized to repel an attack or for the defence of the territory outside that subject to the mandate.

ARTICLE 4. The Mandatory:

1. Shall provide for the eventual emancipation of all slaves, and for as speedy an elimination of domestic and other slavery as social conditions will allow;

2. Shall suppress all forms of slave trade;

3. Shall prohibit all forms of forced or compulsory labor, except for essential public works and services, and then only in return for adequate remuneration;

4. Shall protect the natives from measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

5. Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5. In the framing of laws relating to the holding or transfer of land, the Mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of non-natives may be created except with the same consent.

The Mandatory shall promulgate strict regulations against usury.

ARTICLE 6. The Mandatory shall secure to all nationals of States Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of States Members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality; except that Mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

Concessions for the development of the natural resources of the territory shall be granted by the Mandatory without distinction on grounds of Nationality between the nationals of all States Members of the League of Nations, but on such conditions as will maintain intact the authority of the local Government.

Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State or by a controlled agency, provided that there shall result therefrom no monopoly of the natural resources for the benefit of the Mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality hereinbefore guaranteed.

The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the Members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7. The Mandatory shall ensure in the territory complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality; missionaries who are nationals of States Members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the Mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8. The Mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9. The Mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the Mandatory as an integral part of his territory and subject to the above provisions.

The Mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate, with such modifications as may be required by local conditions, and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council. This report shall contain full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11. The consent of the Council of the League of Nations is required for any modification of the terms of the present mandate.

ARTICLE 12. The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations,⁵

Whereas the United States of America, by participating in the war against Germany, contributed to her defeat and to the renunciation of her rights and titles over her oversea possessions, but has not ratified the Treaty of Versailles; and

Whereas the Government of the United States and the Government of the French Republic desire to reach a definite understanding with regard to the

⁵ *Ante*, vol. 2, p. 52.

rights of the two Governments and their respective nationals in the aforesaid former German Colony of Togoland:

Have decided to conclude a convention to this effect, and have nominated as their respective plenipotentiaries, that is to say:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

His Excellency Mr. MYRON T. HERRICK, Ambassador Extraordinary and Plenipotentiary of the United States of America at Paris;

AND THE PRESIDENT OF THE FRENCH REPUBLIC:

M. Raymond POINCARÉ, Senator, President of the Council, Minister of Foreign Affairs;

WHO, after communicating to each other their respective full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Subject to the provisions of the present convention, the United States consents to the administration by the Government of the French Republic, pursuant to the aforesaid mandate, of the former German territory, described in Article 1 of the mandate.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of Articles 2, 3, 4, 5, 6, 7, 8 and 9 of the mandate to Members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested American property rights in the mandated territory shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the Mandatory under Article 10 of the mandate shall be furnished to the United States.

ARTICLE 5

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.

ARTICLE 6

The extradition treaties and conventions in force between the United States and France shall apply to the mandated territory.

ARTICLE 7

The present convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in Paris as soon as practicable. It shall take effect on the date of the exchange of ratifications.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed this Convention and have affixed thereto their seals.

DONE in duplicate at Paris, the 13th day of February, in the year 1923.

MYRON T. HERRICK	[SEAL]
R. POINCARÉ	[SEAL]

APPENDIX REFERRED TO IN ARTICLE 1 OF THE FRENCH MANDATE
FOR TOGOLAND

FRANCO-BRITISH DECLARATION

The undersigned:

Viscount MILNER, Secretary of State for the Colonies of the British Empire,
M. Henry SIMON, Minister for the Colonies of the French Republic,
have agreed to determine the frontier separating the territories of Togoland placed respectively under the authority of their Governments, as it is traced on the map, Sprigade 1/200.000, annexed to the present declaration,⁶ and defined in the description in three articles also annexed hereto.

London, July 10th, 1919.

Signed: MILNER
Henry SIMON

DESCRIPTION OF THE FRANCO-BRITISH FRONTIER

Marked on Sprigade's Map of Togoland, Scale 1/200.000

ARTICLE 1

The frontier will run eastwards from the pillar erected at the point of junction of the three colonies of Haute Volta, Gold Coast and Togoland in about latitude 11 degrees 8' 33" to the unnamed watercourse shown on the map to the east of this pillar,

The frontier will run thence as follows:

⁶ Not printed here.

1. Along this unnamed watercourse to its confluence with the Kulapalogo;
2. Thence by the course of the Punokobo to its source;
3. Thence in a south-westerly direction to meet the river Biankuri, which downstream is named the Njimoant and the Mochole, which it follows to its confluence with the Kulugona;
4. From the confluence of the Mochole and the Kulugona the frontier will follow in a southerly direction a line to be fixed on the ground to point 390 near the junction of the streams Nabuleg and Gboroch;
5. Thence a line running in a south-easterly direction to the Manjo so as to leave the village of Jambule to France and that of Bungpurk to Great Britain;
6. Thence downstream the course of the Manjo to its confluence with the Kunkumbu;
7. Thence the course of the Kunkumbu to its confluence with the Oti;
8. Thence the course of the Oti to its confluence with the Dakpe;
9. Thence the Dakpe upstream to the boundary between the two old German districts of Mangu-Yendi and Sokode-Bassari;
10. The frontier will follow this administrative boundary south-west to regain the Oti;
11. Thence the course of the Oti to its confluence with the Kakassi;
12. Thence the course of the Kakassi upstream to its confluence with the Kentau;
13. Thence the course of the Kentau to its junction with the tribal boundary between the Konkomba and the Bitjem;
14. Thence southwards a line following generally this tribal boundary so as to leave the villages of Natagu, Napari, and Bobotiwe to Great Britain and those of Kujunle and Bisukpabe to France;
15. Following this boundary to a point situated about 1½ kilometers north of the confluence of the Kula and the Mamale;
16. Thence the Mamale upstream to its junction with the road from Nabugem to Bpadjebe;
17. Thence a line southwards to meet the river Bonolo so as to leave Bpadjebe to France;
18. Thence downstream the rivers Bonolo and Tankpa to the confluence of the latter with the Nabol;
19. Thence the river Nabol upstream to the junction of the tribal boundary between the Konkomba and the Bitjem;
20. Thence southwards a line following generally this tribal boundary to the summit of Kusangnaeli;
21. Thence a line to reach the confluence of the Tunkurna and the Mo, following generally the course of the Kuji and Tunkurma;

22. Thence the course of the Mo (Mola) downstream, following the southern boundary of the Dagbon country to its junction with an unnamed affluent on the left bank at a point shown on the map near longitude $0^{\circ}20'$ East;

23. Thence a line from this confluence running generally south-east to the confluence of the Bassa and Kue, following as far as possible the course of the Mo (Moo);

24. Thence the course of the Kue upstream to the bend formed by this river at a distance of about 2 kilometers south-west of Kueda;

25. Thence a line running southwards following the watershed between the Bunatje, the Tschai and the Dibom on the west and the Kue and the Asuokoko on the east to the hill situated about 1 kilometer west of the Maria Falls, leaving the village of Schiare to Great Britain and that of Kjirina to France and cutting the road from Dadiasse (which remains British) to Bismarckburg (which remains French) near point 760;

26. From the hill situated to the west of the Maria Falls a line to reach the Asuokoko, which it follows to its confluence with the river Balagbo;

27. Thence a line running generally southwards to Mount Bendjabe;

28. Thence a line following the crest which runs southwards, then, cutting the Wawa, reaches point 850 situated north of Kitschibo;

29. From point 850 a line running approximately southwards to the Tomito mountain;

30. Thence a line running south-south-westwards and, cutting the river Onana, reaches the watershed between the Odjabi and the Sassa, then continuing south-south-westwards, cutting the river Daji between the Odjabi and the Sassa, reaches the summit of Awedjegbe;

31. From this point it follows the watershed between the Ebanda or Wadjakli on the west and the Seblawu and Nubui on the east, then cuts the latter river at a point situated about 1 kilometer east of Apegame;

32. Thence a line to the watershed of the Agumassato hills which it follows to the Akpata hills;

33. Thence a line running south-west to the confluence of the Tsi and the Edjiri;

34. Thence a line following generally the southern tribal boundary of the Agome to a point situated on the watershed about 2 kilometres south of Moltke Peak;

35. Thence a line running generally southwards following the watershed to the Fiamekito hills, which it leaves to reach the river Damitsi;

36. Thence the river Damitsi to its confluence with the Todschie (or Wuto);

37. Thence the River Todschie to the boundary of the lands of the village of Botoe, which it passes on the east so as to leave it wholly to Great Britain;

38. Thence the road from Botoe to Batome to the western limit of the latter village;

39. Thence the line passes south of Batome so as to leave this village in its entirety to France;

40. From south of Batome the boundary runs to the point of junction of the present boundary of the Gold Coast Colony (parallel 6° 20' North) and the river Magbawi;

41. Thence it follows, to the sea, the present frontier as laid down in the Anglo-German Convention of July 1st, 1890. However, where the Lome-Akepe road by way of Degbokovhe crosses the present frontier south of latitude 6° 10' North and West of longitude 1° 14' East of Greenwich, the new frontier shall run 1 kilometre southwest of this road, so as to leave it entirely in French territory.

ARTICLE 2

1° It is understood that at the time of the local delimitation of the frontier, where the natural features to be followed are not indicated in the above description, the Commissioners of the two Governments will, as far as possible, but without changing the attribution of the villages named in Article 1, lay down the frontier in accordance with natural features (rivers, hills, or watersheds).

The Boundary Commissioners shall be authorized to make such minor modifications of the frontier line as may appear to them necessary in order to avoid separating villages from their agricultural lands. Such deviations shall be clearly marked on special maps and submitted for the approval of the two Governments. Pending such approval, the deviations shall be provisionally recognized and respected.

2° As regards the roads mentioned in Article 1, only those which are shown upon the annexed map shall be taken into consideration in the delimitation of the frontier.

3° Where the frontier follows a waterway, the median line of the waterway shall be the boundary.

4° It is understood that if the inhabitants, living near the frontier should, within a period of six months from the completion of the local delimitation, express the intention to settle in the regions placed under French authority, or, inversely, in the regions placed under British authority, no obstacle will be placed in the way of their so doing, and they shall be granted the necessary time to gather in standing crops, and generally to remove all the property of which they are the legitimate owners.

ARTICLE 3

1° The map to which reference is made in the description of the frontier is Sprigade's map of Togoland on the scale 1/200,000, of which the following sheets have been used:

Sheet A 1. Sansane-Mangu: date of completion, July 1st, 1907;
Sheet B 1. Jendi: date of completion, October 1st, 1907;
Sheet C 1. Bismarckburg: date of completion, December 1st, 1906;
Sheet D 1. Kete-Kratschi: date of completion, December 1st, 1905;
Sheet E 1. Misahöhe: date of completion, June 1st, 1905;
Sheet E 2. Lome: date of completion, October 1st, 1902.

2° A map of Togoland, scale 1/500,000, is attached ⁷ to illustrate the description of the above frontier.

⁷ Not printed here.